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5 Attorney for Appellants
BAYSIDE COURT OWNERS ASSOCIATION,
6 LAURENCE JENNINGS, RAJ PATEL,
JUSTIN HU, LAWRENCE DROUIN,
7 and ANDREW CANTOR

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 BAYSIDE COURT OWNERS
ASSOCIATION, et al.,

Case No. 4:19-cv-02588-YGR

11 Appellants.

**MOTION TO EXTEND TIME FOR
FILING APPELLANT'S OPENING
BRIEF; DECLARATION OF MIRIAM
HISER IN SUPPORT**

12 v.
13 SARAH-JANE PARKER,
14 Appellee.

16 I, Miriam Hiser, declare as follows:

17 1. I am counsel of record for Appellants Bayside Court Owners' Association,
Laurence Jennings, Raj Patel, Justin Hu, Lawrence Drouin and Andrew Cantor
19 ("Appellants") and Appellee Sarah-Jane Parker ("Appellee"). The following is
20 within my personal knowledge and if called as witness would competently testify
21 thereto.

22 2. On July 1, 2019, an Amended Certificate of Record was filed. The Amended
23 Certificate was entered of record on July 3, 2019. This Court's Initial Order states
24 that Appellant's Opening Brief is due 30 days from docketing of notice that the
25 record has been transmitted or is available electronically. I have confirmed with
26 court staff that Appellant's Opening Brief would be due July 31, 2019.

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1 3. I am out of state from July 28 to August 19, for my father's burial and celebration
2 of life. My father died January 13, 2019, but could not be buried until the ground
3 thawed in Michigan, where our family burial plots are. The actual burial date is
4 August 2, in Mackinaw City, Michigan, and we are assembling people from
5 around the country for the burial and following celebration of life. My widowed
6 mother, who is wheelchair bound, will be brought there from the assisted living
7 facility she resides in on the east coast by sister and will need to be taken care
8 during this time period by my sister and I. I will be unable to do any professional
9 work during this time period. I am a solo practitioner.

10 4. I request a 60 day period of time to file Appellant's Opening Brief. Most of a
11 thirty day extension would run while I am away.

12 5. I requested an extension from counsel for Appellee. In my request, I cited this
13 Court's civility guidelines, which, among other things, require counsel to
14 accommodate reasonable requests for extensions of time.

15 6. Counsel has refused, stating that my "**request for a continuance is a delaying
tactic not supported by the facts**" and that I should already have the brief done.
16 I have since sent to counsel both correspondence with the funeral home and my
17 plane tickets, showing that I am out of state July 28 to August 18, 2019.

18 7. I am making this request as soon as possible after the record was certified and the
19 briefing period began to run. As a solo practitioner, I do tasks as they required by
20 deadlines, as does every attorney I know.

21 8. This is the first request for an extension of time in the appeal on this matter.
22 Appellants do not oppose any extensions appellee may need or request.

23 9. Accordingly, I respectfully request that I be granted an extension of time to file
24 the Opening Brief in this case, and that I be allowed the simple human decency of
25 burying my father in peace. I declare under penalty of perjury under the laws of
26 the United States of America.

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1 The State of California that the foregoing is true and correct and that this
2 declaration was executed this 10th day of July, 2019, in San Francisco California.

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4 LAW OFFICES OF MIRIAM HISER

5 By: /s/ Miriam Hiser
6 Miriam Hiser
7 Attorneys for Appellants

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